

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
KEVIN RAY, :

Plaintiff, :

-against- :

THE NEW 42nd STREET, INC., :

Defendant. :

**ORDER**

22 Civ. 4811 (AKH)


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ALVIN K. HELLERSTEIN, U.S.D.J.:

I have reviewed the parties' letter (ECF No. 26) moving to seal the Affidavit of Kevin Ray (ECF No. 22) and two records filed as exhibits thereto. Although the parties have consented to treating that material as "attorneys eyes only" material under their confidentiality stipulation, the letter does not describe any "extraordinary circumstance or compelling need" to seal the documents from public inspection." *Bernsten v. O'Reilly*, 307 F. Supp. 3d 161, 165 (S.D.N.Y. 2018) (quoting *Video Software Dealers Ass'n v. Orion Pictures*, 21 F.3d 24, 27 (2d Cir. 1994)). Because the parties have not demonstrated good cause to support sealing the records at issue, the consent motion to seal is denied.

Plaintiff is instructed to file publicly the records at issue. The Clerk shall terminate ECF No. 26.

SO ORDERED.

Dated: July 6, 2023  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge